

STATE OF INDIANA            )  
                                      ) SS: IN THE HAMILTON SUPERIOR COURT 1  
COUNTY OF HAMILTON    ) CAUSE NO. 29 D01 0703 PL 277

STATE OF INDIANA,                                 )  
  )  
                  Plaintiff,                                 )  
  )  
                  v.   )  
  )  
RHONDA KLEIN, and                                 )  
RICHARD KLEIN   )  
  )  
                  Defendants.                                 )

**ORDER OF ATTACHMENT AND GARNISHMENT**

This cause having come before the Court on the Plaintiff's Motion for Prejudgment Attachment and Garnishment, and the Court having considered the Plaintiff's Complaint, the Plaintiff's Motion for Prejudgment Attachment and Garnishment, and the Affidavits of Michael Smith and Deputy Attorney General Terry Tolliver, now finds the Plaintiff's Complaint states a claim for relief pursuant to the Indiana Deceptive Consumer Sales Act and the Indiana Uniform Fraudulent Transfer Act and is just, and there is reasonable belief the Defendants, Rhonda Klein and Richard Klein, have previously sold, conveyed, or disposed of the Defendant, Richard Klein's, property, or may be about to sell, convey, or otherwise dispose of the Defendant, Richard Klein's, property, thereby not leaving sufficient assets to satisfy the Plaintiff's claim.

IT IS THEREFORE ORDERED the Office of the Indiana Attorney General is hereby authorized, without bond, to an attachment and garnishment of the following property of the Defendants, Rhonda Klein and Richard Klein, or so much thereof as will satisfy the Plaintiff's claim in the approximate amount of Thirty-Three Thousand Thirty-

Three Dollars and Eighty-Nine Cents (\$33,033.89), plus any additional costs incurred by the Plaintiff and civil penalties:

- a. Any and all deposit accounts, cash, debts owing, income owing, commercial paper, and negotiable instruments currently held and/or due to be collected by the Defendants, Rhonda and Richard Klein, including but not limited to the Defendant, Rhonda Klein's, checking account at Fifth Third Bank, Account Number 68820953.

IT IS FURTHER ORDERED:

1. The clerk shall issue an Order of Attachment and Garnishment, which shall be directed and delivered to the Sheriff of Hamilton County, Indiana, prior to seizing the property subject to attachment and garnishment;
2. The Sheriff, with the assistance of a disinterested and credible householder of this county, shall seize and take into his possession the property of the Defendants, Rhonda Klein and Richard Klein, subject to execution, and make an inventory and appraisement of the attached property;
3. The Sheriff shall serve the Defendants, Rhonda Klein and Richard Klein, and the Garnishee Defendant, Fifth Third Bank, with Notice of the attachment and garnishment of the above-described property; and
4. When the Order of Attachment and Garnishment is fully executed or discharged, the Sheriff shall return this order to the Court with the Sheriff's proceedings noted upon the order.

IT IS FURTHER ORDERED:

1. The Defendants may discharge the attachment by delivering to the Hamilton County Sheriff a written undertaking, with surety, in the amount of the appraised value of the attached property, to be approved by the Sheriff, and made payable to the Plaintiff, to the effect that:

- a. The property shall be properly kept and taken care of and delivered to the Sheriff on demand, or so much of the property as may be required to be sold on execution to satisfy any judgment that may be recovered against the Defendants in this action; or
- b. The Defendants will pay the appraised value of the property, not exceeding the amount of the judgment and costs.

2. This Order of Attachment binds the Defendants' property subject to execution in Hamilton County, and becomes a lien on the property from the time of its delivery to the Hamilton County Sheriff by the Office of the Attorney General, in the same manner as an execution.

3. From the day of the service of the summons to the Garnishee Defendant, Fifth Third Bank, Fifth Third Bank shall be accountable to the Plaintiff for the amount of money, property, or credits in Fifth Third Bank's possession or due and owing from Fifth Third Bank to the Defendants in this action, Rhonda Klein and Richard Klein.

4. The Garnishee Defendant, Fifth Third Bank, shall, when served, or not later than five (5) days after being served with the summons, furnish the Hamilton County Sheriff with a certificate of a description of the property and accounts held by Fifth Third Bank that belongs to, or is held for the benefit of the Defendants, Rhonda

Klein or Richard Klein. The Hamilton County Sheriff shall return this certificate with the Summons.

DATED, ENTERED, AND ISSUED this 9 day of March, 2007.



Judge, Hamilton Superior Court

Distribution:

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